

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

LANDS – Chittoor District – Government land admeasuring Ac.60.00 in Sy. No.218, 88 etc of Kurukalva and Kothapalem villages, Renigunta (M), Chittoor District allotted in favour Sri Kanchi Kamakoti Peetam & Sri Venkateswara Institute of Medical Sciences, Health, Medical Education & Research Foundation, Tirupati – Annuling of MOU between Sri Kanchi Kamakoti Peetam & Sri Venkateswara Institute of Medical Sciences consequent on their violation of the spirit of the MOU entered into with the Sri Venkateswara Institute of Medical Sciences for establishment of a Medical College by name Sri Padmavathi Medical College & Hospital under Public Private Partnership – Cancellation of Land alienation – Orders – Issued.

REVENUE (ASSIGNMENT.IV) DEPARTMENT

G.O. Ms. No.531

Dated:03.10.2013.

Read the following :-

1. G.O.No.1404, Rev(Assn.IV) dated 3.11.2007.
2. G.O.Ms.No.1029,Rev(Assn)Dept,dated 14.08.2008.
3. Memorandum of Understanding dated 11-8-2010 between Sri Venkateswara institute of Medical Sciences, Tirupati & Sri Kanchi Kamakoti Peetam.
4. G.O.Ms.No.116,Rev(Assn.IV) dated 14.2.2011
5. From the Collector, Chittoor Lr. ROC E1/6667/2005, Dt.31.7.2013.
6. From the Registrar Sri Venkateswara institute of Medical Sciences , Lr. Roc.No A& E/77/Medical College/SVIMS/2005, Dt 31.08.2013.
7. Letter No.23445/E1/2006 of Health, Medical & Family Welfare(E)Department, Dt.17.9.2013.

ORDER:-

1. In the G.O. first read above, Government land admeasuring Ac.60.00 in Sy. No. 218, 88 etc of Kurukalva and Kothapalem villages, Renigunta (M), Chittoor District was allotted by Government in favour Sri Kanchi Kamakoti Peetam & Sri Venkateswara Institute of Medical Sciences, Health, Medical Education & Research Foundation, Tirupati for Medical College and 91.45 Acres to the Sri Venkateswara institute of Medical Sciences for construction of College of Pharmacy etc., at market value of Rs.75,000/- per Acre.
2. Later, Sri Kanchi Kamakoti Peetam requested the Government to allot the land of 60 Acres at free of cost. The Government vide reference 2nd read above have allotted the said land at free of cost. The Mandal Revenue Officer Renigunta issued possession certificate for 60 Acres of Land in favour of Sri Kanchi Kamakoti Peetam Trust on 19.09.2009.
3. The Sri Venkateswara institute of Medical Sciences started construction of buildings for the College of Pharmacy etc., in the 91.45 Acres of Land allotted to Sri Venkateswara institute of Medical Sciences. As the construction could not be proceed due to paucity of funds in Executive Board meeting dated 17.3.2010, it was resolved to handover the unfinished buildings to Sri Kanchi Kamakoti Peetam Trust on payment of cost of the buildings. The land of 60 Acres (out of 91.45 Acres allotted to Sri Venkateswara institute of Medical Sciences) be given to Sri Kanchi Kama Koti Peetam Trust in exchange of 60 Acres earlier allotted to them. The Trust authorities accepted for the proposal and revised MOU was entered between Sri Venkateswara Institute of Medical Sciences and Sri Kanchi Kama Koti Peetam Trust on 11.8.2010.
4. Accordingly the Govt. vide G.O. 4th read above, had ordered for mutual transfer of land between Sri Venkateswara institute of Medical Sciences and Sri Kanchi Kama Koti Peetam Trust and the exchange of land was carried out vide transfer Deed dated 2.2.2012 between Sri Venkateswara institute of Medical Sciences and Sri Kanchi Kama Koti Peetam Trust.
5. In a letter dated: 25.10.2012, Mr.M.Jyothi Prakasam, on behalf of Trust, addressed to the District Collector, Chittoor requested for Patta / mutation for the entire 151.45 Acres (60 Acres + 91.45 Acres). He paid Rs.45 Lakhs @Rs.75,000/- per Acre for 60 Acres by way of challan dated 28.8.2012, though 60 Acres of land was allotted to the Trust at free of cost vide G.O. 2nd read above. In addition, he had also paid Rs.68,62,500/- by way of Challan on 6.9.2012 @Rs.75,000/- per Acre for 91.45 Acres though this land was not allotted to Sri Kanchi Kama Koti Peetam Trust.

6. In the letter dated: 29.11.2012, the Director, Sri Venkateswara institute of Medical Sciences has informed the District Collector, Chittoor that the Trust is entitled for only 60 Acres of Land as per G.O.Ms.No.1404 dated 3.11.2007 and that the medical college will be under Public – Private partnership mode as per Memorandum of Understanding dated 11.8.2010.

7. Salient features of MOU dated 11.08.10 entered into between Sri Venkateswara institute of Medical Sciences and Sri Kanchi Kama Koti Peetam Trust.

- a. There shall be 12 Trustees – 4 from Govt. side viz., Director, Sri Venkateswara institute of Medical Sciences, Executive Officer., Tirumala Tirupathi Devasthanam, Chairman, Tirumala Tirupathi Devasthanam Board of Trustees and the District Collector, Chittoor. 8 Members to be nominated by the patron of the Trust i.e., His Holiness Jagadguru Sri Sankaracharya Swamikal. (MOU S.No.5)
- b. The foundation is an autonomous and independent Foundation formed and managed by the Managing Trustee with the assistance of other Trustees as per by laws and any amendments made thereto, from time to time. (MOU S.No.8)
- c. Sri Venkateswara institute of Medical Sciences and Sri Kanchi Kama Koti Peetam Trust shall handover 60 acres of land to Sri Venkateswara institute of Medical Sciences in exchange of 60 acres of land with the existing structures thereon on payment of actual cost incurred for the unfinished buildings. (MOU S.No.9)
- d. The newly registered foundation shall bear the total cost of the project both capital and recurring (MOU S.No.10)
- e. "Essentiality Certificate" has been issued by the Government of Andhra Pradesh in favour of the Foundation mentioning this project under private-public participation. The rules and regulations of the NTR Health University / Govt. of Andhra Pradesh as available to Private Sector Medical College shall be applicable to this Institution with regard to admission of students, fee structure, and percentage of seats under management of quota. (MOU S.No.11)
- f. The patron, His Holiness Sri Sankaracharya of Sri Kanchi Kama koti Peetam has accepted for the establishment of proposed medical institution (Sri Padmavathi Medical College at Tirupati) under Public-Private participation. With regard to revenue and income of the Institution the Govt. of Andhra Pradesh shall not interfere and shall not take any decisions unilaterally in future. (MOU S.No.12)
- g. Only such directions of Andhra Pradesh Government and the NTR University of Health Sciences as applicable to medical College in the private sector in A.P. State will be followed by this Medical College.
- h. Sri Venkateswara Institute of Medical Sciences shall allow the foundation to use the existing facilities at SVIMS to meet the norms of Medical Council of India. (MOU S.No.14)
- i. This Medical College shall be established under public-private partnership mode.

8. It has been observed that in his letter dt. 25-10-2012 addressed to the District Collector, Chittoor, Sri M. Jothi Prakasam, authorized Signatory & Trustee of Sri Kanchi Kamakoti Peetam has tried to distort the Government orders issued by Revenue Department and tried to gain wrongful possession of the lands allotted to Sri Kanchi Kama Koti Peetam at free of cost and also the lands allotted to Sri Venkateswara institute of Medical Sciences for its own academic purposes, by depositing the money in the Government Treasury for the total value of the land.(as per the market value determined by the Rev Dept)

9. It has also been observed that in the letter dated 17.11.12 Mr.M.Jothi Prakasam, authorized signatory, and Sri Kanchi Kama Koti Peetam Trust reiterated that "Our said Medical College is purely Private Management/ under Self-Financing Scheme / No Grant / Un-Aided. The earlier 2009 sanction of 100 seats intake is not now sufficient and it cannot run viably to our private management, non-minority institution under self-financing scheme effectively". His request for revised essentiality certificate for establishing Sri Padmavathi Medical College under private management in the prime land allotted by the Government free of cost, is totally in violation of Memorandum of Understanding reached between and Sri Kanchi Kama Koti Peetam – Sri Venkateswara Institute of Medical Sciences - Health, Medical Education & Research Foundation Trust and Sri Venkateswara Institute of Medical Sciences.

10. As seen from the above, it is clearly established that the Sri Kanchi Kama Koti Peetam representatives in the Sri Kanchi Kama Koti Peetam – Sri Venkateswara Institute of Medical Sciences Health Medical Education & Research Foundation Trust have acted unilaterally showing brazen disregard to the Memorandum of Understanding, keeping the Government nominees on the Trust in the dark regarding activities being carried out in the name of the proposed Sri Padmavathi Medical College and the Trustees representing the Sri Kanchi Kama Koti Peetam have violated the conditions of Memorandum of Understanding by characterizing the proposed Medical College as purely private as against the Public Private Partnership mode enunciated in the Memorandum of Understanding, which is the cornerstone of the agreement.

11. Based on the violation of the Memorandum of Understanding by Sri Kanchi Kama Koti Peetam Trust, The Registrar, Sri Venkateswara Institute of Medical Sciences Tirupathi has informed that they have annulled the Memorandum of Understanding dated 11.08.2010 with Sri Kanchi Kama Koti Peetam vide reference 6th read above. In the reference 7th read above the Government in Health, Medical & Family Welfare(E)Department, has cancelled the Essentiality Certificate for establishment of Sri Padmavathi Medical College at Renigunta issued in favour of Trustee and Executive Secretary, Sri kanchi Kama koti Peetam and Sri Venkateswara Institute of Medical Sciences, Health, Medical Education & Research Foundation.

12. The purpose of the project and allotment of 60 acres of land at free of cost by the Government was with an objective of extending free treatment to the poor in the backward region in the eastern part of the Chittoor district and also to improve the medical education under Public Private Partnership mode.

13. In view of the facts and circumstances of the case, and after careful examination of the matter and in view of the public interest, Government hereby cancel the alienation of the land admeasuring Acs.60.00 in Sy. No. 218, 88 etc of Kurukalva and Kothapalem villages, Renigunta (M), Chittoor District allotted in favour Sri Kanchi Kamakoti Peetam & Sri Venkateswara Institute of Medical Sciences, Health, Medical Education & Research Foundation, Tirupati on the ground that the Sri Kanchi Kamakoti Peetam Trust has not utilized the land allotted to it for the purpose for which it was allotted and that there is a violation of the conditions stipulated in BSO -24 and violation of fulfilling its commitments as per the Memorandum of Understanding dt.11.8.2010.

14. Government hereby also cancel the orders issued in G.Os in reference 2nd & 4th read above regarding the land of Acs.60.00 allotted to the Sri Kanchi Kamakoti Peetam & Sri Venkateswara Institute of Medical Sciences, Trust.

15. The Special Chief Secretary & Chief Commissioner of Land Administration, Hyderabad and the District Collector, Chittoor shall take necessary action for resuming the land back to Government and keep it for public purpose.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B R MEENA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Special Chief Secretary & Chief Commissioner of Land Administration,
A.P, Hyderabad,
The District Collector, Chittoor,
The Director, SVIMS, Tirupathi
Copy to:
O/o the Learned Advocate General,A.P., Hyderabad
Sri Kanchi Kamakoti Peetam &
SVIMS & HME&RF Trust,Tirupathi,
The HM&FW(E)Department,
The P.S to M(Rev),
The Law (E) Department.

//Forwarded::By Order//

SECTION OFFICER